ciple as in such cases as *In re Bailey* (1915), 50 Mont. 365, 146 Pac. 1101, Ann. Cas. 1917 B, 1198, in which an unlicensed person was held guilty of contempt of court in holding himself out as an attorney at law.

BANKRUPTCY—PREFERENCE—MEANING OF "INSOLVENT."—In an action in a state court by a trustee in bankruptcy to recover for the estate a preferential transfer, the court refused an instruction requested by plaintiff that if defendant "was not able to pay its debts in due course of business it would be deemed insolvent." *Held,* error to refuse such instruction. *Simpson* v. *Western Hardware & Metal Co.* (Wash. 1917), 167 Pac. 113.

Section 1, Cl. 15, of the BANKRUPTCY ACT provides that "A person shall be deemed insolvent within the provisions of this act whenever the aggregate of his property * * * shall not, at a fair valuation, be sufficient in amount to pay his debts." Section 60a provides that "A person shall be deemed to have given a preference if, being insolvent, he has, * * * made a transfer," etc. Under Sec. 60b such preferential transfers may, under certain conditions, be recovered back by the trustee, by action in a federal or state court. It was in such a proceeding that the court in the principal case held the meaning of "insolvent" should be determined according to state law rather than by the BANKRUPTCY ACT. No authority is cited, and probably none could be found supporting such view. In view of the fact that the whole proceeding was based on the BANKRUPTCY ACT, the trustee deriving all of his powers therefrom, and preferential payments being recoverable by him solely because of the Act, it would seem almost too clear for argument that the lower court was right. In *Crancer & Co.* v. *Wade,* 26 Okl. 757, 25 Am. Bankr. R. 880, where the action was the same as in the principal case the court said that the definition of "insolvency" as fixed by the BANKRUPTCY ACT "must be strictly adhered to." And in *Summerville* v. *Stockton Milling Co.,* 142 Cal. 529, where the question was whether a mortgage was an unlawful preference under the BANKRUPTCY ACT, the court applied the definition of insolvency therein, although the other meaning had been adopted in earlier cases not involving the ACT of 1898. *In re Ramazzina,* 110 Cal. 488. Section 3a(4) declares an act of bankruptcy to have been committed if "because of insolvency a receiver or trustee has been put in charge of his property under the laws of a state * * * " There would seem to be much more excuse for following the rule of the state court as to what amounts to insolvency in cases arising under this provision than in cases like the principal case. It has been generally considered, however, that the definition in the ACT is to control such cases. *Maplecroft Mills* v. *Childs,* 226 Fed. 415. See comment in 14 MICH. L. REV. 338.

CARRIERS—INTERSTATE COMMERCE COMMISSION—SCOPE OF ORDER REGULATING INTRASTATE RATES.—An order of the Interstate Commerce Commission directed certain express companies to remove an existing discrimination against interstate commerce by ceasing to charge higher rates between Sioux City, Iowa, and South Dakota points than for substantially equal distances between such South Dakota points and five named South Dakota cities. The order undertook to give to the carriers a discretion as to the method to be